

UNITED STATES OF AMERICA,

Petitioner,

v.

ATIBA WADE,

Respondent.

The United States (“petitioner”) seeks to civilly commit Atiba Wade (“Wade” or “respondent”) as a “sexually dangerous person” under the Adam Walsh Child Protection and Safety Act of 2006 (“Adam Walsh Act”), codified at 18 U.S.C. §§ 4247–4248. Pursuant to the Adam Walsh Act, after a hearing, if the court finds by clear and convincing evidence that a person is a “sexually dangerous person,” the court must commit the person to the custody of the Attorney General. *Id.* § 4248(d). A “sexually dangerous person” is one “who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others . . .” *Id.* § 4247(a)(5). A person is considered “sexually dangerous to others” if “the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.” *Id.* § 4247(a)(6).

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serious difficulty in refraining from . . . child molestation if released,” id. § 4247(a)(6). See United States v. Hall, No. 11-7102, 2012 WL 34481, at *4 (4th Cir. Jan. 9, 2012); United States v. Comstock, 627 F.3d 513, 515–16 (4th Cir. 2010), cert. denied, 131 S. Ct. 3026 (2011).

On January 19 and 20, 2012, the court held a bench trial. On January 31, 2012, the court announced its findings and conclusions from the bench. The transcript is incorporated herein by reference. The United States has failed to prove by clear and convincing evidence that, as a result of Wade’s serious mental illness, abnormality, or disorder, he would have serious difficulty in refraining from child molestation if released. Thus, judgment shall be entered in favor of the respondent, Atiba Wade, and against the petitioner, the United States. This action is hereby DISMISSED. The United States is ORDERED to release Wade from the custody of the Bureau of Prisons.

SO ORDERED. This 31 day of January 2012.


JAMES C. DEVER III
Chief United States District Judge